THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 17th day of January, 2007

W.P.No.20461 of 1994

Between:

Angadi Prabhakar Rao … Petitioner

and

The Managing Director,
APSRTC, Musheerabad,
Hyderabad and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.20461 of 1994

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus directing the respondents to absorb the petitioner in the post of Driver, which is earmarked for Scheduled Caste and Scheduled Tribe candidates, with effect from 1-11-1991 with all consequential benefits.

It appears, the petitioner studied upto VI Class and belongs to Scheduled Tribe community. He obtained a driving licence and applied for the post of Driver in the respondent-Corporation. Thereafter, the 2nd respondent sent a call letter dated 22-7-1991 directing him to appear for the interview at 9.30 a.m. on 31-7-1991 to fill up the vacancies of Heavy Vehicles Drivers Grade III meant for SC and ST candidates. While the things stood thus, a Police Constable belonging to Razole Police Station came to his house at 6.00 p.m. on 24-7-1991 and took him forcibly to Chirala police Station and detained him illegally. On filing of a Writ Petition by his father in W.P.No.10075 of 1991 praying to issue a Habeas Corpus, the Inspector of Police, Razole took him to his village on the midnight of 12-8-1991 and handed over him to his parents. Thus, he was kept in illegal detention for about 20 days from 24-7-1991 to 12-8-1991; as such, he could not attend the interview scheduled on 31-7-1991. Therefore, earlier, he filed a Writ Petition in W.P.No.11371 of 1991 seeking a direction to the respondent-Corporation to interview him for the post of Heavy Vehicle Driver Grade II and the said Writ Petition was disposed of by this Court on 17-9-1991 directing the respondents to interview the petitioner.

Thereafter, according to the petitioner, he was interviewed and was selected for the post of Driver, but no appointment order was given sofar. Hence, the Writ Petition.

Respondents have filed a counter affidavit denying the allegations made by the petitioner. It is asserted that pursuant to the directions of this Court in Writ Petition No.11370 of 1991, the petitioner was interviewed for the post of Driver. Thereafter, the Corporation addressed letters to the police authorities regarding the antecedents of the petitioner. The Superintendent of Police, Guntur through his letter dated 10-6-1992 intimated that the petitioner is a dossier criminal and history sheets are being maintained against him in Guntur, Prakasam, Kurnool and other districts and he was convicted in a criminal case.

Though the petitioner was interviewed for the post of Driver, that itself does not confer any right on him for appointment to the post. On verification of antecedents, it was found that rowdy sheets were opened against the petitioner and he was involved in several crimes and was also convicted in a criminal case. Therefore, the action of the respondents in not appointing the petitioner as a Driver cannot be said to be arbitrary or illegal. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

17-1-2007

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